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Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Afghanistan, Albania, Bangladesh, Bosnia and Herzegovina, Cameroon, Costa Rica, Djibouti, Dominican Republic, Egypt, Gambia, Iran (Islamic Republic of), Malaysia, Morocco, Pakistan, Saudi Arabia, Senegal, Sudan, Tunisia, Turkey and Yemen: revised draft resolution

Rape and abuse of women in the former Yugoslavia

The General Assembly,

Guided by the purpose and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Prevention and Punishment of the Crime of Genocide, 4/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 5/ the Convention on the Elimination of All Forms of Discrimination against Women, 6/ the Convention on the Rights of the Child 7/ and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 8/ and the Additional Protocols thereto of 1977, 9/

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 260 A (III).

5/ Resolution 39/46, annex.

6/ Resolution 34/180, annex.

7/ Resolution 44/25, annex.

8/ United Nations, Treaty Series, Nos. I-970, I-971, I-972, I-973.

9/ United Nations, Treaty Series, vol. 1125, No. 17512.

Recalling General Assembly resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Recalling Commission on Human Rights resolution 1993/8 of 23 February 1993, entitled "Rape and abuse of women in the territory of the former Yugoslavia",

Appalled at the recurring and substantiated reports of widespread rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, in particular its systematic use against the Muslim women and children in Bosnia and Herzegovina by Serbian forces,

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992 in which, inter alia, the Council strongly condemned these acts of unspeakable brutality,

Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in Bosnia and Herzegovina, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Welcoming the initiatives taken by the Special Rapporteur on the situation of human rights in the former Yugoslavia, particularly his prompt dispatch of a team of experts to the former Yugoslavia to investigate the allegations of rape and abuse of women,

Welcoming also the initiative of the European Council on the rapid dispatch of a mission to investigate the treatment of Muslim women in the former Yugoslavia, and the delegation's report, 10/

Noting with deep concern the findings of the team of experts dispatched by the Special Rapporteur, 11/ and those of the mission dispatched by the European Council,

Welcoming the establishment of an International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1992, in pursuance of Security Council resolutions 808 (1993) and 827 (1993),

Noting with deep concern the reports on the findings of the Special Rapporteur 12/ and the Secretary-General, assisted by the staff of the Special Rapporteur, 13/ regarding rape and abuse of women in the territory of the former Yugoslavia, particularly Bosnia and Herzegovina,

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10/ E/CN.4/1993/92.

11/ E/CN.4/1993/50, annex II.

12/ E/CN.4/1994/47.

13/ E/CN.4/1994/5.

Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in the Republic of Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

Desirous of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal,

Recognizing the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance and compensation to these victims,

Taking into account resolution 37/7 of 25 March 1993 of the Commission on the Status of Women,

Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia which constitutes a war crime;

2. Expresses its outrage that the systematic practice of rape is being used as a weapon of war and an instrument of ethnic cleansing against the women and children in the areas of armed conflict in the former Yugoslavia, in particular against Muslim women and children in Bosnia and Herzegovina;

3. Demands that those involved immediately cease these outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 1949 8/ and the Additional Protocols thereto of 1977, 9/ and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under these instruments and other applicable international human rights instruments;

4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice;

5. Reaffirms that all persons who perpetrate or authorize crimes against humanity and other violations of international humanitarian law are individually responsible for those violations, and that those in positions of authority who have failed adequately to ensure that persons under their control comply with the relevant international instruments are accountable along with the perpetrators;

6. Urges States Members of the United Nations to exert every effort to bring to justice, in accordance with international recognized principles of due process, all those individuals directly or indirectly involved in these outrageous international crimes;

7. Commends the Special Rapporteur for his reports on the situation of human rights in the territory of the former Yugoslavia; 12/

8. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation;

9. Invites the Commission on Human Rights to request the Special Rapporteur to continue investigation into the rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, in particular in Bosnia and Herzegovina;

10. Determines that rape is a heinous crime and encourages the International Tribunal to give due priority to the cases of the victims of rape in the areas of armed conflict in the former Yugoslavia, in particular in the republic of Bosnia and Herzegovina;

11. Requests the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

12. Also requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly not later than 31 January 1994;

13. Decides to continue the consideration of this question at its forty-ninth session.